



MARITIME SAFETY COMMITTEE
72nd session
Agenda item 10

MSC 72/10/3
18 February 2000
Original: ENGLISH

SAFETY OF NAVIGATION

Revision of SOLAS Chapter V

Submitted by the United States

SUMMARY

Executive summary: This document comments on the draft amendments to SOLAS Chapter V prepared by the Sub-Committee on Safety of Navigation NAV 45/14/Add.1 (annex 6).

Action to be taken: Paragraph 8

Related documents: NAV 45/14, paragraphs 5.1 to 5.92

1 The United States has reviewed the draft text of amendments to SOLAS Chapter V as developed by the Sub-Committee on Safety of Navigation, and offers the following comments and proposals on a number of specific regulations. This document is submitted in accordance with the provisions of paragraph 46.5 of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies.

Scope of Application -- V/1

2 In regulation V/1, paragraph 1, the United States supports deletion of the words “ships of war” and retention of the words in the second set of square brackets. As the United States has consistently maintained, this expanded wording is now the more appropriate formula for expressing an exemption based on the internationally recognized principle of sovereign immunity. This wording not only reflects the language used in numerous international instruments,* including the UN Law of the Sea Convention, but also reflects customary State practice and has therefore become the commonly accepted basis for interpreting and applying the current wording of SOLAS V/1 (“ships of war”). Consequently, the introduction into

* Note: There are more than 40 other international instruments that exclude warships and other government-owned or operated vessels from their scope of application, including: SOLAS regulations V/8-1 (1994), V/8 (1995), IX/2.2 (1995) and VII/15 (1999); London Convention (1972) and the 1996 Protocol thereto; HNS Convention (1996); MARPOL 73/78; STCW (1978); Arrest of Ships Convention (1999); Convention on Maritime Liens and Mortgages (1993); Antarctic Protocol on Environment Protection (1991); OPRC (1990); Salvage Convention (1989); 1988 SUA Convention; High Seas Convention (1958); and the Territorial Sea and Contiguous Zone Convention (1958).

SOLAS V/1 of the more up-to-date wording contained in the second set of square brackets would simply reflect existing, customary State practice and would neither add to nor take away from the recognized responsibilities of such ships under international maritime law.

Automatic ship identification systems (AIS) – V/19

3 The United States is in favor of the provisions requiring certain categories of ships to be fitted with AIS, in accordance with a phase-in schedule, under regulation V/19, paragraph 1.5. Although we could support earlier dates of implementation, we can accept the compromise agreement reached after negotiations during the forty-fifth session of the Sub-Committee on Safety of Navigation.

Voyage Data Recorders – V/20

4 With respect to regulation V/20, the United States supports this regulation, and favors removal of the brackets and retention of the classes of ships listed in paragraphs 1.4 to 1.7. In addition, with regard to the phase-in dates for implementing the carriage requirement, the United States would favor a more accelerated schedule and will work with Committee members to achieve a consensus for introducing VDR within an earlier timeframe. We believe voyage data recorders will provide vast amounts of useful information to those concerned with identifying the root causes of maritime casualties, and will contribute directly to a significant reduction of casualties in the future. Furthermore, we are convinced that having a VDR fitted on a ship will have the collateral benefit, as it does in the case of aviation, of promoting a higher state of vigilance, and a tighter degree of discipline in bridge teamwork procedures, thereby directly contributing to the safe operation of the ship concerned.

Voyage Planning – V/34

5 With respect to regulation V/34 on “Safe navigation and avoidance of dangerous situations,” we have noted the footnote on page 32 of annex 6 (NAV 45/14/Add.1) and paragraphs 5.57 and 5.58 of NAV 45/14, which suggest there may be a need to review the first paragraph of this regulation in the context of Section A-VIII/2 of the STCW Code. We have also noted paragraphs 5.87 and 5.88 of NAV 45/14 which indicate the Sub-Committee was not able, due to time constraints, to consider a U.S. proposal pertaining to a proposed regulation on voyage planning, and invites members to submit proposals to the Committee in connection with regulation V/34 (previously numbered V/38). Furthermore, we have noted that the contents of regulation V/34 incorporate the substance of existing regulations V/7 and V/10-1.

6 The United States supports having a provision in SOLAS Chapter V on voyage planning. Careful planning for a voyage is a fundamental element in providing for safety of navigation and prevention of damage to the marine environment. Voyage planning is integral to a comprehensive concept of safety of navigation – which is clearly the aim of the revised SOLAS Chapter V. Having a provision on voyage planning in SOLAS Chapter V would in our view be complementary to the provisions under Section A-VIII/2 of the STCW Convention, and would in fact re-enforce those provisions by establishing a critical link between the human element aspects covered by the STCW Convention, and the operational aspects covered by the SOLAS Convention. Introduction of a provision in this package of amendments would also permit us to call attention to the newly-adopted Assembly resolution on voyage planning (A.893(21)).

7 To assist the Committee in resolving any concerns raised by draft regulation V/34, the United States invites the Committee to consider revising this regulation along the following lines:

“1 Prior to proceeding to sea, the master shall ensure that the intended voyage has been planned using the appropriate nautical charts and nautical publications for the area concerned, taking into account the guidelines and recommendations developed by the Organization.* *[Asterisk to an editorial reference to the Guidelines for Voyage Planning, adopted by the Assembly, resolution A.893 (21).]*

“2 The voyage plan shall identify a route which:

- .1 makes proper use of available routeing measures;
- .2 ensures sufficient sea room for the safe passage of the ship throughout the voyage;
- .3 anticipates all known navigational hazards and weather conditions; and
- .4 takes into account the marine environmental protection measures that have been adopted and are in place along the route, and avoids as far as possible actions and activities which could cause damage to the environment.

“3 The owner, charterer, or manager of a ship or any other person, shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master’s professional judgement, is necessary for safe navigation and protection of the marine environment.”

Action requested of the Committee

8 The Committee is invited to consider the comments and proposals made above when it discusses the draft text of amendments to SOLAS Chapter V, particularly regulations V/1, V/19, V/20 and V/34.